IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

WP(C).No. 23163 of 2007(G)

PETITIONER:

SMT.BEEFATHIMMA,
W/O.(LATE) MOHAMMED KUNHI,
KUNIYA P.O., PARIYA.

BY ADV. SRI.T.B.SHAJIMON

RESPONDENTS:

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1. **THE ASSISTANT REGISTRAR/ARBITRATOR-CUM-SALES OFFICER, THE KASARAGOD DISTRICT CO-OPERATIVE BANK LTD., KASARAGOD.**

2. **THE BRANCH MANAGER, KASARAGOD DISTRICT CO-OPERATIVE BANK LTD KANHANGAD EVENING BRANCH OFFICE, KANHANGAD.**

R1 & R2 BY V.G.ARUN (SC)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 23163 OF 2007 G

Dated this the 31st July, 2007

JUDGMENT

Petitioner availed a loan. It was not repaid. The respondent Bank obtained an Award and recovery proceedings have been initiated. Petitioner challenges the same. Counsel for petitioner would submit that the interest demanded is exorbitant. I find that the matter is governed by the terms of an Award. That Award has become final. Then, learned counsel for petitioner submits that the petitioner may be permitted to pay off the amount in easy instalments. Having regard to all facts, the Writ Petition is disposed of, permitting the petitioner to pay off the amount in twelve equal monthly instalments. The respondent Bank will serve a Statement on the petitioner showing the amount to be paid as instalments, on the basis that the petitioner has to pay off the amount due with interest in twelve equal monthly instalments, the first of which shall be payable on or before the last working day of August, 2007. The

remaining instalments shall be paid on or before the last working day of every succeeding month. If any of the instalments is not paid, the petitioner will lose the benefit of this Judgment and the respondent Bank will be free to proceed against the petitioner in accordance with law.

K. M. JOSEPH, JUDGE

kbk.